

REMARKS

Election

Applicants herein elect, with traverse, Group I (claims 1 and 2) for prosecution on the merits.

Considering that the claims are limited to the use of the biopolymer marker of claim 1 (SEQ ID NO:1) a search of these claims would encompass this specific marker. Thus, a proper search of the elected invention would include both the marker and methods for its use. Accordingly, Applicants submit that the search requirements are, in fact, co-extensive, and respectfully traverse the requirement for restriction.

Improper Markush Format

The Examiner points out that Applicants have presented the instant claims in an improper Markush format. The Examiner alleges that the claims are improperly set forth as the genus claims encompassing multiple products, as identified and claimed, fail to share the characteristics of a genus, i.e. a common utility and a substantial structural feature essential to the disclosed utility. Alternatively, the claims define multiple structurally distinct compounds capable of different use, with different modes of operation, different function and different effects. A reference against one of the claimed components or

methods would not be a reference against the other.

Applicants note that the claims, as currently amended, are limited to the biopolymer marker peptide of SEQ ID NO:1. Furthermore, new claims 41 and 42 recite Markush groups in the proper language.

Accordingly, Applicants respectfully submit that the pending claims are now in proper Markush format.

Claim Status/Support for Amendments

Claim 1 has been amended. Claims 2-38 have been cancelled. New claims 39-46 have been added. Claims 1 and 39-46 remain pending in the instant application.

No new matter has been added by the amendments to claim 1 made herein. Claim 1 has been amended to specifically recite SEQ ID NO:1 and to incorporate the subject matter of cancelled claim 2. Claim 1 has also been amended to clarify that the claimed peptide (SEQ ID NO:1) has been isolated from its naturally occurring state; see page 20, lines 9-16 of the instant specification.

No new matter has been added by the addition of new claims 39-46. The subject matter of new claims 39-46 corresponds with the subject matter originally found in cancelled claims 2-38. The above additions to the claims also find basis in the original

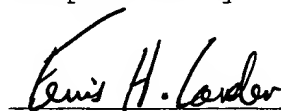
disclosure at page 25, line 16 to page 26, line 22. The method of new claim 39 is described in detail at pages 37-47. Page 47, lines 14-18 refers to various types of samples used in the claimed method and page 38, lines 19-22 refers to different mass spectrometric techniques that may be used to carry out the instant invention. Page 46, lines 13-15 refers to practicing the claimed method with a human patient. Pages 47 and 48 describe kits contemplated for use with the claimed methods. Page 47, lines 9-14 refers particularly to the immobilization of antibodies on a solid support and labeling of the components of the contemplated kits.

Thus, it is clear from these specific recitations and from the description of methods utilized that the methods and types of kits recited in the newly added claims (39-46) were fully contemplated by the inventors at the time of filing and were enabled by virtue of the disclosure as originally filed.

CONCLUSION

Now that Applicants have fully responded to the Office Action mailed on November 4, 2003, an examination on the merits is respectfully requested.

Respectfully submitted,



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